Serial No. 10/797,916
Page 6 of 11

Remarks

Claims 1-20 are pending in the application.

Claims 1-3, 6, 7, 10, and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by McNamara, U.S. Pat. No. 6,262,976 B1 (hereinafter "McNamara).

Claims 4, 5, 8, 9, and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over McNamara in view of Dapper et al., U.S. Pat. No. 6,275,990 B1 (hereinafter "Dapper").

Claims 13-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in dependent form including all of the limitations of the base claim and any intervening claims.

Claims 19 and 20 are allowed.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or simply is clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., simply to avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, because a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having

609049-1

Serial No. 10/797,916
Page 7 of 11

been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. §102

Claims 1-3, 6, 7, 10, and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by McNamara. The rejection is traversed.

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. The McNamara reference fails to disclose each and every element of the claimed invention, as arranged in independent claim 1.

The McNamara reference discloses a method that optimizes the network flow by applying multi-dimensional routing algorithms to the network traffic that has been divided into classes. Particularly, the data is divided in four classes: interior traffic, transitory traffic, interior to exterior traffic, and exterior to interior traffic (see col. 11, lines 23-34). According to the McNamara reference, each traffic class has different qualities, thus applying different routing techniques helps optimization of the traffic flow (see col. 12, lines 13-15). However, McNamara does not classify data packets within the classes. Particularly McNamara does not sort the data packets into groups that would contain all data packets addressed to a common communication device. In contrast, the data packets that are addressed to one common communication device will belong to one of the two classes, interior traffic and exterior to interior traffic, depending on whether these data packets originated from a device located within the network or from a device located outside the network. This is entirely unlike the Applicants' claimed invention.

The Applicants' claimed invention provides a method for combining data packets intended for a common communication device. According to the invention of claim 1, the data packets received during a predetermined time period are sorted into groups of the

609049-1

Serial No. 10/797,916
Page 8 of 11

data packets intended for a common communication device. Each communication device that had at least one package addressed to it during the predetermined time period would have a corresponding group containing all the data packages addressed to that device which were received during the predetermined time period. As discussed above, data packets of one Applicants' group would include members of at least two of McNamara's classes. However, the McNamara method uses distinct routing algorithms for each class in order to improve the network flow (see col. 12, lines 13-15; col. 13, lines 30-41). Therefore, not only does the McNamara reference fail to teach the Applicants' sorting process, but using it would negate the McNamara's invention.

Accordingly, because the McNamara reference fails to teach or suggest at least the step of "sorting data packets received during a predetermined time period into groups according to for which communications device of said network the received data packets are intended," as recited in independent claim 1, it fails to disclose each and every element of the claimed invention, as arranged in Applicants' independent claim 1. Therefore, independent claim 1 is not anticipated by McNamara and is patentable under 35 U.S.C. §102.

Because all of the dependent claims depending from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over McNamara.

Therefore, Applicants' claims 1-3, 6, 7, 10, and 11 are allowable over McNamara under 35 U.S.C. §102. The Examiner is respectfully requested to withdraw the rejection.

Rejection Under 35 U.S.C. §103

Claims 4, 5, 8, 9, and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over McNamara in view of Dapper. The rejection is traversed.

Claims 4, 5, 8, and 9

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. §102 given McNamara. Because the rejection under 35 U.S.C. §102 given McNamara has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that

609049-1

Serial No. 10/797,916
Page 9 of 11

Dapper supplies that which is missing from McNamara to render the independent claims anticipated, these grounds of rejection cannot be maintained.

Therefore, Applicants' claims 4, 5, 8, and 9 are allowable over McNamara in view of Dapper under 35 U.S.C. §103(a). The Examiner is respectfully requested to withdraw the rejection.

Claim 12

According to MPEP §2143, to establish a prima facie case of obviousness under §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ.2d 1438 (Fed. Cir. 1991).

The Office Action failed to establish a *prima facie* case of obviousness, because the combination of McNamara and Dapper fails to teach or suggest all the claim elements.

Independent claim 12 recites relevant limitations similar to those recited in independent claim 1. Specifically, it recites "defining a storage location for [the] received data packets according to for which communication device of [the] network the received data packets are intended." As discussed above, the McNamara reference does not disclose dividing the received data packets into groups where each group contains data packets addressed to one common communication device. Therefore, for at least the reasons discussed above, McNamara fails to teach or suggest all elements of claim 12.

Further, the Office Action indicates that Dapper teaches a memory storage process. However, it fails to present arguments that Dapper teaches a specific method that Applicants use to define the storage locations – "according to for which communication device of [the] network the received data packets are intended." The cited portions of the Dapper reference does not discuss data packets or the communication devices that the data packets are addressed to. Accordingly, Dapper fails

609049-1

Serial No. 10/797,916
Page 10 of 11

to bridge this substantial gap between McNamara and Applicants' invention of independent claim 12.

Therefore, Applicants' claim 12 is allowable over McNamara in view of Dapper under 35 U.S.C. §103(a). The Examiner is respectfully requested to withdraw the rejection.

Allowable Subject Matter

Claims 13-18

Claims 13-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in dependent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the indication of allowable subject matter with respect to these claims. However, for at least the reasons discussed above, the base claim is allowable over McNamara and Dapper under 35 U.S.C. §103 and, as such, claims 13-18 are allowable.

The Examiner is respectfully requested to withdraw the objection.

Claims 19 and 20

Claims 19 and 20 are allowed. Applicants thank the Examiner for the indication of allowable subject matter with respect to these claims.

Secondary References

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

609049-1

Serial No. 10/797,916
Page 11 of 11

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: __11/28/07__   _____
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609049-1